



City of Albuquerque

Legislative File Number O-05-141 (version 3)

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## **CITY of ALBUQUERQUE SIXTEENTH COUNCIL**

**F/S Amending ROA 1994, the Municipal Elections Ordinance, to Provide that the Form of Petitions Include the Printed or Typed Name, Signature and Address of the Circulator; Verification by the Circulator of Authenticity of Signatures; Whether the Circulator is Paid or a Volunteer; the Signature of the City Clerk and Date of Issuance of the Petition; the Voter's Signature, Printed Name, Address as Shown on Voter Registration Roles and Date of Signing the Petition; Prohibiting Payment to Circulators Based on a Fee For Each Signature on a Petition and Providing that Petition Signatures Obtained in Violation of This Ordinance Shall be Void (Mayer)**

## **CITY of ALBUQUERQUE SIXTEENTH COUNCIL**

**AMENDING THE MUNICIPAL ELECTIONS ORDINANCE, SECTION 2-4-12 ROA 1994, TO PROVIDE THAT THE PETITIONS BE ACCOMPANIED BY A CERTIFICATE THAT INCLUDES THE PRINTED OR TYPED NAME, SIGNATURE AND ADDRESS OF THE CIRCULATOR; VERIFICATION BY THE CIRCULATOR OF AUTHENTICITY OF SIGNATURES; REQUIRING ACKNOWLEDGEMENT BY SPONSOR; REQUIRING DESIGNATION OF WHETHER THE CIRCULATOR IS PAID OR A VOLUNTEER; SIGNATURE OF THE CITY CLERK AND DATE OF ISSUANCE OF THE PETITION; REQUIRING THE VOTER'S SIGNATURE, PRINTED NAME, ADDRESS AS SHOWN ON VOTER REGISTRATION ROLES AND DATE OF SIGNING THE PETITION; INCLUSION OF VOTER INITIATIVE REFERENDUM IN PETITION AND OPPORTUNITY TO READ; AND PROVIDING THAT PETITION SIGNATURES OBTAINED IN VIOLATION OF THIS ORDINANCE SHALL BE VOID.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:**

**Section 1. Section 2-4-12 ROA 1994 is amended to read:**

**“Section 2-4-12 FORM OF PETITION, REQUIREMENTS FOR CIRCULATORS AND VOID PETITION SIGNATURES.**

**(A) Findings. More than 3,100 petition signatures for the October 4, 2005 election submitted to the City Clerk were identified by the Bernalillo County Sheriff's Department as forgeries which creates the need to know who gathers and submits petitions to the City Clerk and the public's right to know if the circulator is paid or a volunteer.**

**(B) The City Clerk shall designate the form of the petitions to be followed in all petitions to be circulated in accordance with the provisions of Articles II, III and VI of the City Charter. The form established shall include sufficient information to determine if the signer of the petition is a legally registered voter and a person entitled to vote in city elections. Every petition page shall contain (1) a heading which clearly conveys the purpose for signing the petition; (2) columns for the voter's signature, printed name of voter, residence of voter as shown on current voter registration rolls, and the date the voter signed the petition (3) in capital letters in the upper right-hand corner of the face of the petition page the following: “\_\_\_\_ Paid Circulator” “\_\_\_\_ Unpaid Volunteer”. To each petition or group of petitions submitted pursuant to City Charter Article III or VI by a circulator shall be attached a signed and notarized affidavit containing the following: (1) the circulator's actual residence address and if no street address exists, a description of the residence location, city and zip code; (2) the printed or typed name of the circulator; (3) the printed name, address and signature of the person or representative of the organization or other entity that paid the circulator and (4) the following verification signed by the circulator: “I\_\_\_\_\_ (name of circulator), under penalty of perjury, hereby verify that each of the names on this petition page was signed in my presence and that in my belief each signer was a qualified elector who was**

registered to vote at the address given as their residence on the date indicated". The City Clerk shall place on the affidavit the petition pages to which the affidavit applies, using the petition page numbers that are designated by the City Clerk. The affidavit shall not be part of the petition. The circulator shall not sign and complete the affidavit at the time the petition is presented to voters for their signatures but shall sign and complete the affidavit before it is submitted to the City Clerk. All requirements for affidavits set forth in this section shall apply to affidavits in support of petitions submitted pursuant to City Charter Article II, provided that such affidavits need be signed only by the candidate or the candidate's treasurer who is registered with the City Clerk, that no name, signature and address of the person or organization that paid the circulator need be provided and that the affidavit need not represent that the petition was signed in the presence of the candidate or the candidate's treasurer. The signature of the City Clerk and date of issuance of the petition shall appear on each petition page. All print on the petition shall be in no less than eleven point type. The circulator of the petition shall indicate whether he or she is a paid circulator or a volunteer on each petition page prior to obtaining any signatures. Petition pages submitted under City Charter Article III, Section 3, Direct Legislation by Voter Initiative, or Article VI, Charter Amendments, shall contain the full text of the measure proposed to be on the ballot or shall attach the full text of the measure to the petition. The measure proposed to be placed on the ballot shall be provided in writing to the voter by the circulator prior to the voter signing the petition. The circulator shall provide the voter the opportunity to read the entire measure to be placed on the ballot or, if requested by the voter, shall read the entire measure to be placed on the ballot to the voter prior to the voter signing the petition.

(C) Signatures obtained in violation of this Section are void and shall not be counted by the City Clerk in determining whether a sufficient number of signatures were submitted to the City Clerk. All signatures on a petition page shall be void if (1) the circulator fails to provide the affidavit required in this

section (2) neither “Paid Circulator” nor “Unpaid Volunteer” is checked on the petition page or (3) the petition page does not contain all of the information required by this ordinance to be on or attached to a petition page. When a petition page meets all of the requirements of this section, the presence of a signature that is invalidated because the person signing the petition cannot be identified by the City Clerk as currently registered to vote in Albuquerque shall not invalidate other signatures on the petition that were obtained as prescribed by this section.

(D) A “circulator” of a petition shall be any person who presents or otherwise makes available to any person a petition required under the Albuquerque City Charter or Ordinances of the City of Albuquerque for the purpose of requesting or obtaining that person's signature on such petition.

(E) The City Clerk shall not approve the form of a petition proposing a measure or a Charter amendment if the proposed measure or Charter amendment has not been filed pursuant to this section.”

**Section 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

**Section 3. COMPILATION.** Section 1 of this ordinance shall be incorporated in and compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

**Section 4. EFFECTIVE DATE.** This Ordinance shall take effect five days after publication by title and general summary.

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